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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,173

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Wataru Ikeda

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EXAMINER

NGUYEN, HUY THANH

ART UNIT

PAPER NUMBER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,173	Applicant(s) IKEDA ET AL.	
	Examiner HUY T. NGUYEN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/22/06, 2/28/07, 6/25/07, 2/15/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1 and 6-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 and 8-10 direct to information on a medium. Since the information does not provide any functional interrelationship to the medium to read out the information and interact to any means or circuit to provide different applications, or impart to software and hardware structural components to provide certain function that is processed by a computer, the information do not themselves the statutory. See MPEP 2100.

Claim 6 directs to a program without specifying the location of the program and how the program can be read out from the location to perform a function, therefore the claimed program is mere signals or information (See MPEP 2100).

Claim 7 recites a method, however there are no positive processing steps recited in the claim. Therefore claim 7 considered as an information claim. Since the information does not provide any functional interrelationship to the medium to read out the information and interact to any means or circuit to provide different applications, or impart to software and hardware structural components to provide certain function that is processed by a computer, the information do not themselves the statutory. See MPEP 2100.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al (5,907,658) in view of Yamaguchi et al (5,907,659).

Regarding claims 1, 2 and 6-7, Murase discloses a playback apparatus (Fig. 24) for playing back the recoded tiles from a recoding medium (Figs. 1-4), the recording medium on which is recorded index tables, management tables, and an application ((Figs. 4, 5 column 18, lines 55-68, column 26, lines 30-50, column 27, line 48 to column 28, line 8) wherein a plurality of titles between which branching is possible (column 27, lines 32- 45), the application is a program written in a virtual machine-oriented programming language (column 10, lines 65-68), each management table

shows, in correspondence, the application and a run attribute of the application and the run attribute shows how the application is to be controlled in a branch destination title if a branch between titles occurs (Fig. 1C_, Fig. 37, column 21, line 20 to column 22 line 25, column 27, lines 32-45).

Murase fails to specifically teach that the index table provides a correspondence between the titles and management tables.

Yamaguchi teaches a recording apparatus having means for generating an index table that shows a correspondence between titles and management information tables (Fig. 6, column 9, line 35 to column 10, line 13).

It would have been obvious to one of ordinary skill in the art to modify Murase with Yamaguchi by using an index generating means as taught by Yamaguchi for generating an index table that shows a correspondence between the titles and management information table thereby easily controlling the playback of the titles.

Regarding claim 3, Murase further teaches the run attribute assigned to the application shows maintaining of status, and the application is not run in the branch origin title, the application manager causes the application to have a non-run status in the branch destination title, and when the run attribute assigned to the application shows maintaining of status, and the application is running in the branch origin title, the application manager runs the application in the branch destination title (column 21, line 20 to column 22, line 25).

Regarding claim 4, Murase further teaches when the run attribute assigned to the application shows automatic run, and the application is not run in the branch origin

title, the application manager runs the application in the branch destination title, and when the run attribute assigned to the application shows automatic run, and the application is running in the branch origin title, the application manager maintains the status of the application in the branch destination title (column 21, line 20 to column 22, line 25).

Regarding claim 5, Murase further teaches the run attribute assigned to the application shows suspend, and the application is running in the branch origin title, the application manager controls such that, in the branch destination title, the application occupies resources of the playback apparatus, but the status of the application is changed such that CPU power in the playback apparatus is not allocated to the application (column 21, line 20 to column 22, line 25).

Regarding claim 8, Murase further teaches the run attribute in a branch destination title is an automatic run attribute for automatically running the application, if the application has a non-run status in the branch origin title.(column 6, lines 26-45).

Regarding claim 9, Murase further teaches the run attribute in a branch destination title is a status maintain attribute for maintaining running of the application in the branch destination title, if the application is being run in the corresponding title (column 6,;ines 26-45, column 21, line 20 to column 22, line 25).

Regarding claim 10, Murase further on which is further recorded a digital stream and playlist information that references the digital stream, and the title is a unit of playback that is associated with at least one piece of playlist information that is selectable by a user (column 2, lines 15- 33).

Regarding claim 11, Murase further teaches the status of the application in the branch destination title is determined based on a status of the application in a branch origin title and the run attribute of the application in the branch destination title (column 21, line 20 to column 22, line 25).

Regarding claim 12, Murase further teaches further recorded on the recording medium are a digital stream and playlist information that references the digital stream, and the title is a unit of playback that is associated with the digital stream via the playlist information and that is selectable by a user operation (column 6, lines 26-45, column 21, line 20 to column 22, line 25).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/
Primary Examiner, Art Unit 2621